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November 28, 2005

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., SW
Washington, DC 20554

RE: E-911 Requirements for IP-Enabled Service Providers, WC Docket No. 05-196; IP Enabled Services, WC Docket No. 05-196;

Eagle Communications Inc. & PointOne Compliance Letter

Dear Ms. Dortch:
Eagle Communications uses UniPoint Enhanced Services, d/b/a PointOne is a provider of managed Voice over Internet Protocol ("VoIP") services on a wholesale basis to other service providers, which in turn use PointOne's wholesale services and facilities to provide VoIP services on a retail basis to their own end-user subscribers.

This letter is filed in response to the FCC's November 7, 2005 Public Notice in the above referenced proceeding as the technical compliance report on the status of Eagle Communications Inc. & PointOne's implementation of E-911 service, as required by the First Report and Order in the abovecaptioned proceedings, FCC 05-116, 20 FCC Rcd 10245 (released June 3, 2005) (*VoIP E9-1-1 Order*); Public Notice, *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters,* WC Docket Nos. 04-36, 05-196, DA 05-2945 (released Nov. 7, 2005) ("*Compliance Public Notice*").

Background on PointOne

PointOne is a provider of managed VoIP services on a *wholesale* basis and generally does not provide interconnected VoIP services on a retail basis to end-user subscribers. PointOne's customers are retail providers that sell interconnected VoIP to residential and enterprise end users. PointOne's wholesale customers include a broad range of service providers, including cable companies, interexchange carriers (IXCs), competitive local exchange companies (CLECs), Internet Service Providers (ISPs), and Applications Service Providers (ASPs). These companies provide service throughout the United States.

PointOne has provided notice of the limitations of its 911-type services to its service

provider customers, both new and existing, pursuant to ¶ 48 of the *VoIP E9-1-1 Order*. 5512 Amesfield Court, Rockville, MD 20853 ● 202-742-5737 ● spies@pointone.com PointOne is committed to implementing the *Order*'s requirements and has been working with a third party provider of 9-1-1 technology providing cutting edge solutions to the 9-1-1 industry. After the *Order* was released, PointOne and its third party vendor continued implementation of a basic 9-1-1 solution while simultaneously working on a compliant E9-1-1 solution in order for our service provider customers to be able to comply with the *Order*. This has been a very difficult and time-consuming process, and PointOne has dedicated a team, including members of its senior management, to work with its third party provider on an E9-1-1 solution.

1. **9 11 Solution: This description should include a quantification, on a percentage basis, of the number of subscribers to whom the provider is able to provide 911 service in compliance with the rules established in the VoIP 911 Order.**

Eagle Communications Inc. who uses PointOne's E9-1-1 Service utilizes network capabilities from its own network and third party providers, including services provided by Emergency Service Gateway Providers (ESGWs) to provide a compliant E9-1-1 service for VoIP 9-1-1 calls. Through its partnerships, Eagle Communications Inc. in partnership with PointOne is able to offer basic 9-1-1 services to 100% of its our VoIP customers.

A. 911 Routing Information/Connectivity to Wireline E911 Network:

A detailed statement as to whether the provider is transmitting, as specified in Paragraph 42 of the VoIP 911 Order, "all 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized."

If the provider is not transmitting all 911 calls to the correct answering point in areas where Selective Routers are utilized, this statement should include a detailed explanation why not. In addition, the provider should quantify the number of Selective Routers to which it has interconnected, directly or indirectly, as of November 28, 2005.

PointOne in a contracted partnership with Eagle Communications Inc. has contracted with a CLEC for trunking to selective routers in Dallas/Fort Worth, Houston, San Antonio, and Austin. Currently these locations comprise the PointOne E9-1-1 coverage area ("Coverage Area"). As of November 28, 2005, PointOne will be interconnected with four (4) Selective Routers, via its partnerships. As described in more detail below,

PointOne, in partnership with third party providers, has deployed the NEAC to serve as an interim 9-1-1 solution.

Access to selective routers for delivery of calls to PSAPs is an extremely costly and time consuming procedure. This requires physical interconnection to over 650 selective routers owned by the ILECS as well as conversion of the call from IP to TDM. There are very few providers capable of meeting this requirement and most are CLECs. However, none have 100%, nationwide coverage and all have varying levels of support. Each requires use of the CLEC's own direct inward dial numbers (DIDs) in order to use their E9-1-1 infrastructure. SR interconnection also requires substantial upfront investments along with high recurring monthly charges. Finally, these existing solutions only support static numbers that are local to the NPA and cannot support out of area telephone numbers (foreign NPA/NXXs) without utilizing a VPC.

PointOne is negotiating with CLECs directly and is utilizing third party providers who have contracted with CLECs, giving PointOne access to over 70% of the US population that are currently served by PSAPs utilizing SRs and is in negotiations to interconnect with other CLECs in order to reach the rest of the US population. The process of converting from the I1 solution to the I2 solution is underway. However, it will not be complete by November 28th.

PointOne is and continues to be in negotiations with individual providers that have direct and indirect access to SRs. Access to SRs is only part of the solution necessary to provide E9-1-1 in compliance with the FCC's VoIP E9-1-1 Order. In addition to SR access, VoIP providers must also purchase Master Street Address Guide (MSAG) Address Validation, ESQK management, and ALI database management. PointOne is working with third party providers for ALI steering and the ability to populate the ALI database, as described in greater detail below.

B. Transmission of ANI and Registered Location Information:

A detailed statement as to whether the provider is transmitting via the Wireline E911 Network the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information. This information should include (i) a quantification, on a percentage basis, of how many answering points within the provider's service area are capable of receiving and processing ANI and Registered Location information that the provider transmits; (ii) a quantification of the number of subscribers, on a percentage basis, whose ANI and Registered Location are being transmitted to answering points that are capable of receiving and processing this information; and (iii) if the provider is not transmitting the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information, a detailed explanation why not.

PointOne on behalf of Eagle Communications is working with third party vendors to transmit the 911 callers' ANI and location information to PSAPs that are capable of receiving such information and with which PointOne and/or PointOne's third party vendors have interconnection agreements. Each ILEC interconnection agreement requires the order of circuits (such as frame relay) to all the ALI databases, testing of links and data exchange, and loading of ESQKs into all the ALI databases. The time period needed to order such connectivity is typically 4-6 weeks. Some of the smaller ILECs still do not have their VoIP ordering processes in place so no circuits have been ordered. PointOne's third party vendors are installing these circuits as quickly as possible, but the 120-day timeframe has shown to be an insufficient amount of time to negotiate interconnection agreements with the ILECs and order the circuits.

In addition to the interconnection agreements, ESQKs have to be assigned and allocated either by the ILEC or by a neutral E9-1-1 administrator. The FCC has not yet appointed an interim E9-1-1 administrator for these non-dialable numbers. Without FCC guidance and action, it is nearly impossible to deploy services on a nationwide basis.

Finally, this solution requires testing with over 6000 PSAPs to meet the November 28, 2005 deadline. This is a time intensive process, as each PSAP must be tested with each ESQK. Again the 120-day timeframe has not provided sufficient time to negotiate interconnection agreements with each ILEC, provision circuits, create ESQK shell records, and then schedule/execute testing with 6000 PSAPs. Our third-party vendors have this effort underway but it is time consuming.

> **C. 911 Coverage: To the extent a provider has not achieved full 911 compliance with the requirements of the *VoIP 911 Order* in all areas of the country by November 28, 2005, the provider should: i. describe in detail, either in narrative form or by map, the areas of the country, on a MSA basis, where it is in full compliance and those in which it is not; and ii. describe in detail its plans for coming into full compliance with the requirements of the order, including its anticipated timeframe for such compliance.**

Based on the issues described above, PointOne has not yet achieved 100% nationwide compliance for all nomadic VoIP services that it provides to its wholesale service provider customers. However, PointOne and its third party vendors have been actively working with NENA, ATIS, the VON Coalition, as well as with every ILEC to achieve SR interconnection, complete the ESQK assignment process and finalize the ANI/ALI links. In addition, PointOne is also achieving SR access through partnerships with CLECs throughout the country. This is an extremely time-consuming and costly process, which is multiplied given the tight timeframes. PointOne's initial SR interconnection agreements and PSAP deployments are targeted to those major metropolitan areas throughout the US based on wholesale subscriber base priorities. In addition, PointOne is offering to its service provider customers access to the 9-1-1 NEAC referenced above and in detail in Attachment A. The operator assisted 9-1-1 VoIP solution processes emergency calls for VoIP customers by routing all 9-1-1 calls

directly to the 9-1-1 NEACs. All calls are answered by a live operator who verifies the caller's location and routes the call to the correct PSAP while staying on the phone with the caller to confirm that help is received. The 9-1-1 NEACs are staffed around the clock, seven days a week and support multiple languages. All 9-1-1 calls from subscribers will go directly to a live safety response center operator. Even if subscribers have not updated their current location information, a safety response center (or NEAC) operator will verify the person's location. The following describes the call flow of the 9-1-1 NEAC:

Call Flow

- The subscriber's location is validated utilizing a web services connection to the NEAC.
- The subscriber dials 9-1-1.
- PointOne queries the NEAC for routing instructions based on subscriber's supplied
location information.
- Utilizing an emergency peering network, the call is delivered to the correct Emergency Service (ES) Gateway.
    - o No call goes unanswered.
- The ES Gateway delivers the call to the correct selective router.
- The selective router delivers the call to the correct PSAP.
- The PSAP queries their ALI using the ESQK associated with the call.
- The ALI steers a query to the VoIP Positioning Center (VPC) to retrieve location information. The dynamic ALI information is delivered back to the PSAP.

2. Obtaining Initial Registered Location Information: A detailed description of all actions the provider has taken to obtain each existing subscriber's current Registered Location and each new subscriber's initial Registered Location. This information should include, but is not limited to, a quantification, on a percentage basis, of the number of subscribers from whom the provider has obtained the Registered Location.

As part of the initial subscription and subscriber notification process, PointOne and its wholesale service provider customers (Eagle Communications Inc.) sent letters to retail customers, beginning in July 2005 via email, U.S. mail and fax. Acknowledgements, which included acknowledgement of initial registered location information were received by PointOne and its service provider customers, in the same way they were delivered, email, U.S. mail and fax. Service provider customers registering new subscribers are responsible for notification and acknowledgement as well as obtaining initial registered location information.

Address location information is entered via PointOne's web based portal. Address information is validated against the Master Street Address Guide (MSAG), to ensure that correct address information is input. If an address needs to be updated at a later date that can be completed via the PointOne portal as well.

Eagle Communications Inc, has 100% of subscriber's Registered Location entered into PointOne's web portal.

> **3. Obtaining Updated Registered Location Information: A detailed description of the method(s) the provider has offered its subscribers to update their Registered Locations. This information should include a statement as to whether the provider is offering its subscribers at least one option for updating their Registered Location that permits them to use the same equipment that they use to access their interconnected VoIP service.**

In partnership with third party vendors, PointOne has built a real-time web portal interface between our emergency services platform that allows instant address validation and PSAP assignment. This interface allows our service provider customers to enter a new subscriber address in the PointOne portal and have instant verification that the address is valid and that E9-1-1 service is activated for the new site. This also allows the service provider customer to receive real-time error notices that will allow them to correct the subscriber address if there it is not in the correct, verifiable format.

PointOne via third party vendors has full PSAP boundary information for the entire United States and can instantly assign a subscriber to the appropriate PSAP as soon as the service provider enters the subscriber address into the database. This allows for real-time support of nomadic subscribers.

> **4. Technical Solution for Nomadic Subscribers: A detailed description of any technical solutions the provider is implementing or has implemented to ensure that subscribers have access to 911 service whenever they use their service nomadically.**

Again, as described in Attachment A, PointOne, in conjunction with third party vendors, has deployed a system that enables a "live heartbeat" solution. Rather than cutting off the ability of subscribers to make potentially life saving emergency calls that do not necessarily need to go to PSAPs (*e.g.* teenagers calling suicide prevention centers, children contacting physicians for critically ill parents, babysitters calling poison control centers or parents for critical childcare information, etc) PointOne in partnership with third parties have deployed the NEAC which ensures that 9-1-1 calls do not go to the wrong PSAP if the subscriber has not accurately updated their location information, and provides a real-time operator assisted emergency call so that accurate location and call back information are transmitted to the appropriate PSAP.

In addition to ensuring that VoIP providers never have to disconnect consumers from critical communications tools, the NEAC serves an important function as an interim solution prior to full achievement of nationwide E9-1-1 delivery. The NEAC reduces incentives for users to provide inaccurate location information (for fear that they will lose their VoIP service if the location is outside a location with full E9-1-1 capability); saves critical life-saving time by dramatically decreasing the number of misrouted E9-1-1 calls and eliminating the need to transfer these calls to the appropriate PSAP; reduces customer confusion about the availability of outbound calling as well as the availability of emergency calling; and increases incentives for VoIP providers to offer services in

rural and underserved areas by permitting customer acquisition to support future deployment of E9-1-1 capabilities.

Sincerely,
/ s/ Staci L. Pies
Staci L. Pies
Attachment

Updated with Eagle Communications Inc specifics by:

Travis Kohlrus
Director of Operations
Eagle Communications Inc.
11-28-05